

**UNAPPROVED - DRAFT**

**BOARD OF DENTISTRY**

**MINUTES  
CREDENTIALS COMMITTEE MEETING**

**TIME AND PLACE:** The Credentials Committee convened on September 22, 2006, at 1:14 p.m. at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

**APPROVAL OF MINUTES:** Dr. Pirok moved to approve the Minutes of the Credentials Committee meeting held on March 31, 2006. The motion was seconded and passed.

**FIRST CONFERENCE:** 9:07 a.m.

**PRESIDING:** Misty L. Sissom, R.D.H.

**MEMBERS PRESENT:** Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**STAFF PRESENT:** Sandra K. Reen, Executive Director  
Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Cynthia E. Gaines, Adjudication Specialist

**QUORUM:** All three members were present.

**Hassan E. Chehayeb,  
D.D.S., Applicant  
Case No. 107920** Hassan E. Chehayeb, D.D.S. appeared without counsel to discuss his application for a license to practice dentistry in Virginia, and allegations that his license to practice dentistry for the District of Columbia was subject to disciplinary action in or about 2004, in violation of § 54.1-2706(9) and (14) of the Code, and 18 VAC 60-20-71(1) of the Regulations of the Board of Dentistry.

The Committee received Dr. Chehayeb's statements and discussed his application with him.

**Closed Meeting:** On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Haasan E. Chehayeb, D.D.S. Additionally, Dr. Pirok moved that Board

staff, Sandra Reen, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Cynthia Gaines, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**Decision:**

Ms. Sissom reported that the Committee's decision is to grant Dr. Chehayeb a dental license. Dr. Levin moved to adopt the decision of the Committee. The motion was seconded and passed.

**SECOND CONFERENCE:**

10:05 a.m.

**PRESIDING:**

Misty L. Sissom, R.D.H.

**MEMBERS PRESENT:**

Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**STAFF PRESENT:**

Sandra K. Reen, Executive Director  
Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Cynthia E. Gaines, Adjudication Specialist

**QUORUM:**

All three members were present.

**John E. O'Connor, D.M.D.,  
Applicant,  
Case No. 108171**

John E. O'Connor, D.M.D. appeared without counsel, to discuss his application for a license to practice dentistry in Virginia, and allegations that he may have violated § 54.1-2706(9) and (14) of the Code, and 18 VAC 60-20-71(1) of the Regulations of the Board of Dentistry, in that :

1. his license to practice dentistry in the Commonwealth of Massachusetts was subject to disciplinary action in

or about 1998. Specifically, he entered into a Consent Agreement on July 18, 1998, with the Commonwealth of Massachusetts, Board of Registration in Dentistry, placing his license on probation for a period of not less than five years;

2. He entered into a Stipulation and Consent Order on April 13, 2001, with the State of Vermont, Board of Dental Examiners, where he was granted a license with conditions and a reprimand; and
3. He entered into a Consent Agreement on March 27, 2002, with the State of Rhode Island, Board of Examiners in Dentistry, where he was issued a probationary license,

The Committee received Dr. O'Connor's statements and discussed his application with him.

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of John E. O'Connor, D.D.S. Additionally, Dr. Pirok moved that Board staff, Sandra Reen, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Cynthia Gaines, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**Decision:**

Ms. Sissom stated the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. Dr. O'Connor entered into a Consent Agreement on July 18, 2008, with the Commonwealth of

Massachusetts, Board of Registration in Dentistry ("Massachusetts Board"), placing his license on probation to include participating in the Massachusetts Professional Recovery System (MPRS) for a period of not less than five years,

2. Dr. O'Connor entered into a Stipulation and Consent Order on April 13, 2001, where he was granted a license with conditions and a reprimand. The reprimand was based on his failure to disclose certain information on his application. The conditions of his license was to comply with the terms of his probation of the Massachusetts Board,
3. Dr. O'Connor entered into a Consent Agreement on March 27, 2002, with the State of Rhode Island, Board of Examiners in Dentistry, where he was issued a probationary license. The probationary period was to run concurrent with the terms of the Massachusetts Board's Consent Agreement.

Ms. Sissom stated that based on Dr. O'Connor's history in other states, the Committee wishes to continue the matter and request that he obtain an evaluation. Dr. Pirok moved to continue the matter of Dr. O'Connor's application for not more than four (4) months, in order that Dr. O'Connor can receive a chemical dependency evaluation from the Virginia Health Practitioners' Intervention Program. The motion was seconded and passed.

**THIRD CONFERENCE:**

11:52 a.m.

**PRESIDING:**

Misty L. Sissom, R.D.H.

**MEMBERS PRESENT:**

Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**STAFF PRESENT:**

Sandra K. Reen, Executive Director  
Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist

**QUORUM:**

All three members were present.

**Leonard V. Jackson, Jr.,  
D.D.S., Applicant  
Case No. 110356**

Leonard V. Jackson, D.D.S. appeared without counsel to discuss his application for a license to practice dentistry in Virginia, and allegations that he may not meet the requirements for licensure by credentials in Virginia, due to his submission of three (3) different versions of "Form B: Chronology", calling into question the truthfulness of his application, in violation of § 54.1-2706(1) and § 54.1-2709.C(iv) of the Code, and 18 VAC 60-20-71(1) of the Regulations of the Board of Dentistry.

The Committee received Dr. Jackson's statements and discussed his application with him.

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Leonard V. Jackson, Jr., D.D.S. Additionally, Dr. Pirok moved that Board staff, Sandra Reen, Patricia Larimer, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**Decision:**

Ms. Sissom reported that the Committee's decision is to grant Dr. Jackson a dental license. Dr. Pirok moved to adopt the decision of the Committee. The motion was seconded and passed.

**FOURTH CONFERENCE:**

1:03 p.m.

**PRESIDING:**

Misty L. Sissom, R.D.H.

**MEMBERS PRESENT:** Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**STAFF PRESENT:** Sandra K. Reen, Executive Director  
Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist

**QUORUM:** All three members were present.

**Vonda D. Charlton, R.D.H.,  
Applicant,  
Case No. 108168**

Vonda D. Charlton, R.D.H. appeared without counsel, to discuss her reinstatement application for a license to practice dental hygiene in Virginia, and allegations that she may:

1. have practiced as a dental hygienist in Virginia without a valid license since March 31, 1998, in violation of § 54.1-2706(9) and § 54.1-2722.A of the Code;
2. be incompetent to practice dental hygiene with safety to patients and the public, in that, after sustaining a head injury in approximately 2002, and subsequently undergoing surgery on or about April 28, 2002, for a subdural hematoma, experienced memory loss and cognitive problems to include, but not limited to, slow thought processing and word finding difficulties. Further, during an interview with an investigator for the Department of Health Professions on or about May 12, 2006, she stated that, "her memory has not been as good since [her] injury," in violation of § 54.1-2706(8) of the Code;
3. have filed her application with the board on December 1, 2005, and answered "No" to Question (r) under Section II of the Application, which reads "Do you have a physical disability, disease, or diagnosis which could affect your performance of professional duties with the last five (5) years? If yes, give details, jurisdiction(s) and date(s) on a separate page, and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment and prognosis," in violation of § 54.1-2706(1) of the Code; and
4. not meet the requirements for continuing competence, as required by the Board, in violation of § 54.1-2706(9) of the Code, and 18 VAC 60-20-20.C(3) of the

Regulations of the Board of Dentistry.

The Committee received Ms. Charlton's statements and discussed her application with her.

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Vonda D. Charlton, R.D.H. Additionally, Dr. Pirok moved that Board staff, Sandra Reen, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**Decision:**

Ms. Sissom stated the Findings of Fact and Conclusions of Law adopted by the Committee. A summary of the Findings of Fact and Conclusions of Law are as follows:

1. According to the Board's records, since March 31, 1998, Ms. Charlton practiced as a dental hygienist in Virginia without a valid license, in violation of § 54.1-2706(9) and §54.1-2722.A of the Code;
2. Ms. Charlton may be incompetent to practice dental hygiene with safety to patients and the public, in that, after sustaining a head injury in approximately 2002, and subsequently undergoing surgery on or about April 28, 2002, for a subdural hematoma, she experienced memory loss and cognitive problems to include, but not limited to, slow thought processing and word finding difficulties. Further, during an interview with an investigator for the Department of Health



Professions on or about May 12, 2006, she stated that, "her memory has not been as good since [her] injury," in violation of § 54.1-2706(8) of the Code;

3. On Ms. Charlton's application filed with the Board on December 1, 2005, she answered "No" to Question (r) under Section II of the Application, which reads "Do you have a physical disability, disease, or diagnosis which could affect your performance of professional duties within the last five (5) years? If yes, give details, jurisdiction(s) and date(s) on a separate page, and provide a letter of explanation from the treating professional(s), including summary of diagnosis, treatment and prognosis," in violation of § 54.1-2706(1) of the Code; and
4. Ms. Charlton does not meet the requirements for continuing competence, as required by the Board, in violation of § 54.1-2706(9) of the Code, and 18 VAC 60-20-20.C(3) and 18 VAC 60-20-50.H of the Regulations of the Board of Dentistry.

Dr. Pirok moved that the Committee adopt the Findings of Fact and Conclusions of Law, and recommend to the Board to deny Ms. Charlton's reinstatement application. The motion was seconded and passed.

**FIFTH CONFERENCE:**

2:15 p.m.

**PRESIDING:**

Misty L. Sissom, R.D.H.

**MEMBERS PRESENT:**

Jeffrey Levin, D.D.S.  
Darryl J. Pirok, D.D.S.

**STAFF PRESENT:**

Sandra K. Reen, Executive Director  
Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Leigh C. Kiczales, Adjudication Specialist

**QUORUM:**

All three members were present.

**Margaret M. Ferguson,  
R.D.H., Applicant,  
Case No. 109150**

Margaret M. Ferguson, R.D.H. appeared without counsel, to discuss her reinstatement application for a license to practice dental hygiene in Virginia, and allegations that she may:



1. have violated § 54.1-2706(3) of the Code, in that pharmacy profiles obtained by an investigator for the Department of Health Professions reveal that she obtained Ultram 100 mg (Tramadol, Schedule VI) on a continuous basis, from on or about August 3, 2005, through April 20, 2006, and the profiles reveal that she had obtained and filled prescriptions for Vicodin (Schedule III) from different providers within a 48-hour period, during August 2005; and
2. have violated § 54.1-2706(9) and § 54.1-2722.A of the Code, and 18 VAC 60-20-20, in that by her own admission, she practiced as a dental hygienist in Virginia from on or about April 1, 2005, to on or about April 13, 2006, without a valid license.

The Committee received Ms. Ferguson's statements and discussed her application with her.

**Closed Meeting:**

On a properly seconded motion by Dr. Pirok, the Committee voted to enter into a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Margaret M. Ferguson, R.D.H. Additionally, Dr. Pirok moved that Board staff, Sandra Reen, and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

**Reconvene**

On a properly seconded motion by Dr. Pirok, the Committee certified that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**Decision:**

Ms. Sissom stated that based on Ms. Ferguson's ongoing chronic medical condition and frequency of medication, the Committee wishes for her to undergo a chemical dependency

evaluation within four (4) months. Dr. Pirok moved to continue the matter of Ms. Ferguson's reinstatement application for not more than four (4) months, in order that Ms. Ferguson can receive an evaluation from the Virginia Health Practitioners' Intervention Program. The motion was seconded and passed.

**Discussion of Referrals to  
the Virginia Health  
Practitioners' Intervention  
Program ("HPIP")**

Ms. Wood was invited to address the Committee on the question of HPIP evaluations in the matters of John E. O'Connor, D.M.D and Margaret Ferguson. Ms. Wood stated to the Committee that HPIP could not perform an evaluation without the applicants in question first signing a HPIP participation contract. The Committee stated that their intent is to obtain an independent chemical dependency evaluation to determine the applicants' eligibility for licensure and not to require the applicants' participation in the monitoring services of HPIP.

Upon Ms. Reen's request, Lorraine McGehee, Deputy Director, Administrative Proceedings Division, joined the discussion. Ms. McGehee agreed to work with the adjudication specialists and Dr. McCance-Katz, HPIP Medical Director, to determine the proper wording of the orders continuing the informal conferences of Dr. O'Connor and Ms. Ferguson, so that chemical dependency evaluations could be completed by a Board approved provider, and a decision reached on their applications for licensure.

Based on these discussions, Dr. Pirok moved to amend the motions previously made in the matters of John O'Connor, and Margaret Ferguson to continue the matters upon the requirement that each applicant undergo a chemical dependency evaluation by a provider approved by the Board. The motion was seconded and passed.

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Misty L. Sissom, R.D.H., Chair

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Sandra K. Reen, Executive Director

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**Virginia Board of Dentistry  
Credentials Committee  
September 22, 2006**

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Date

Date